MULTIMEDIA UNIVERSITY

STUDENT ID NO

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# MULTIMEDIA UNIVERSITY

# FINAL EXAMINATION

**TRIMESTER 1, 2016/2017**

## UPU3612- PUBLIC & PRIVATE INTERNATIONAL LAW 1

(All Sections/ Groups)

11 OCTOBER 2016

Reading Time: 2.30 p.m. – 2.45 p.m.
(15 Minutes)
Answering Time: 2.45 p.m. – 5.45 p.m.
(3 Hours)

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**INSTRUCTIONS TO STUDENT**

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 2 pages with 5 Questions only.

3. Attempt question 1 in Part A which is **compulsory** and any **THREE** out of **FOUR** questions in Part B. The distribution of the marks for each question is given.

4. Students are not allowed to bring in any statutes into the Examination Hall.

5. Please write all your answers in the Answer Booklet provided.

## Part A: COMPULSORY

### QUESTION 1

a) Abaskuul was a notorious gang leader in Somalia who was involved in numerous cases of kidnapping and murder of foreign nationals. On 26 July 2015, he had kidnapped an American diplomat, Richard Harris, at a Mogadishu Hotel and demanded a huge ransom. On 1 September after many failed attempts to rescue him, a ransom was paid and Richard Harris was released and returned home.

On 3 December, in a daring raid by the American force, using helicopters based in Kenya, entered Somalia and captured Abaskuul, without the knowledge or approval of the government of Somalia. Upon arrival to the United States he was indicted by District Court for his participation in the kidnaping of Richard Harris, as well as other foreign nationals. It is noted here, that an extradition treaty existed between United States and Somalia.

a) Discuss with reference to international laws and case laws whether the indictment was lawful.

(25 marks)

b) Describe the general principles of the law of extradition.

(15 marks)

**(Total: 40 Marks)**

## SECTION B (Answer any three questions)

### QUESTION 2

The case of *Trendtex Trading Corporation v Central Bank of Nigeria (CA 1977)* resolved the issue of whether state immunity is restrictive or absolute.
Discuss.

**(Total: 20 Marks)**

### QUESTION 3

Article 2 of the Vienna Convention on the law treaties states *that "treaty means an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation; (b) 'ratification', 'acceptance', 'approval' and 'accession' mean in each case the international act so named whereby a State establishes on the international plane its consent to be bound by a treaty"* .
Under what circumstances can a treaty be terminated?

**(Total: 20 Marks)**

**Continued...**

## QUESTION 4

According some scholars, the rules governing International Law on jurisdiction may vary according to whether it is criminal or civil. In accordance to international practices discuss briefly the principles on which criminal jurisdiction is claimed.

**(Total: 20 Marks)**

## QUESTION 5

Describe briefly the various methods of acquisition of sovereignty over a territory is effected?

**(Total 20 Marks)**

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